Remarks

The present response is to the Office Action mailed the above-referenced case on August 22, 2007. Claims 59-64 are standing for examination, and stand as presented in the last response with no amendments. In the action claims 59-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Shaffer (US 6,751,210) hereinafter Shaffer.

Claim Rejections – 35 USC § 102

The rejection under 35 U.S.C. 102 of claim 59 recited on pages 3, 4 and 5 of the instant office action is restated precisely below:

"Claims 59-64 rejected under 35 U.S.C. 102(e) as being anticipated by SHAFFER et al. (US 6,751,210), hereinafter SHAFFER.

Regarding claim 59, SHAFFER discloses a telephony bridge unit (TIS 30 functions as a bridge, see figure 1), comprising:

a first interface for connecting to a connection-oriented switched telephony (COST) network (one interface of TIS 30 coupled to PBX 12 to PSTN 18, see figure 1);

a second interface for connecting to a data network for data network telephony (DNT) calls (second interface for connecting to Internet 32, see figure 1);

a protocol converter for converting calls between DNT mad (sic) COST network protocols; a processor for managing operations of the bridge unit (the TIS converts the incoming digital signal to data packets, see col. 2 lines 24-38); and

a data repository storing code mad data;

wherein the bridge unit, receiving a call from a caller on the COST network, accesses a look-up table in the data repository relating COST telephone numbers to data network addresses, retrieves a data network address associated with the COST telephone number, places a data network call on the DNT network to a destination using the data network address, connects the incoming COST and outgoing DNT calls, and translates protocol in both directions between the COST and the DNT networks while the calls are connected, and in the event of receiving a call on the data network, accesses information in the received call indicating a COST telephone number, places a call on the COST

network to the COST number, connects the incoming DNT and outgoing COST calls, and translates protocol in both directions between the DNT and the COST networks while the calls are connected (the TIS 30 translates received digital calls from PBX 12 into packets and transmitting the packets over the Internet 32, and translates received packets from Internet 32 into digital and forwarding the digital signal to PBX, see col. 2 lines 24-38)."

1. The applicant does not concede rejection over Shaffer of any limitation of claim 59 in the rejection as stated above; but chooses to contend in particular and in detail with the rejections of the specific limitations positively recited in the wherein clause. These limitations are listed below as a starting point, and some underlining has been used to emphasize certain features in these limitations.

(a) the bridge unit, receiving a call from a caller on the COST network, accesses a look-up table in the data repository...
(b) the look-up table relates COST telephone numbers to data network addresses...
(c) the bridge unit retrieves from the lookup table a data network address associated with the COST telephone number...
(d) the bridge unit places a data network call on the DNT network to a destination using the data network address retrieved from the lookup table...
(e) the bridge unit connects the incoming COST and outgoing DNT calls...
(f) the bridge unit translates protocol in both directions between the COST and the DNT networks while the calls are connected...
(g) in the event of receiving a call on the data network, the bridge unit accesses information in the received call indicating a COST telephone number...
(h) the bridge unit places a call on the COST network to the COST number accessed from the received DNT call...
(i) the bridge unit connects the incoming DNT and outgoing COST calls...

(j) the bridge unit translates protocol in both directions between the DNT and the COST networks while the calls are connected.

2. The portion of the rejection that deals with the ten specific limitations listed above drawn directly from the wherein clause of claim 59 states:
"(the TIS 30 translates received digital calls from PBX 12 into packets and transmitting the packets over the Internet 32, and translates received packets from Internet 32 into digital and forwarding the digital signal to PBX, see col. 2 lines 24-38)." So the applicant has to conclude that column 2, lines 24-38 are considered by the examiner to anticipate all ten of the limitations listed above, as drawn from the standing claim. This conclusion is valid, because there is no other specific reliance specified by the examiner to this part of the claim.

3. The applicant wishes to draw the examiner's attention to the last response in this case, filed July 30, 2007. In that response, in the Remarks, the applicant specifically drew the examiner's attention to the newly claimed wherein clause, and that it had been narrowed with new limitations reciting the dual action of the claimed bridge unit, depending on whether a DNT call is received by the bridge unit, or a COST call is received by the bridge unit. That portion of the last response states: "Claim 59 now recites a bridge unit that takes a specific action when receiving a call on one of the two bridged networks, and a different action when receiving a call on the other of the two networks. This dual action, being different for each network, is not taught by either reference, either singly or in combination. Claim 62 now is a method claim following the limitations of new claim 59, and both independent claims are therefore patentable. The depended claims are patentable at least as depended from a patentable claim.

The applicant is confident that the art cited and applied does not teach the patentable features of these claims, as claimed, and therefore solicits allowance, and that the case be passed quickly to issue."

So the applicant states for the record that the applicant expected the examiner to address each of the stated limitations, and it is clear that that has not been done, but urges again, and further, that the limitations must be addressed for a rejection to rise to a standard for a Prima Facie rejections, which must address each limitation of a claim.

4. The complete text of the relied-upon portion of Shaffer to reject the ten limitations of applicant's claim recited above is presented here:

"As described above, each time a user places a call on the public switched telephone network 18, they are charged for the use of the service. An alternative method of transmitting a telephone call is through the use of a global wide area computer network such as the Internet. To transmit these calls, a telephony Internet server 30 is coupled to the PBX 12. The telephony Internet server receives a digitized telephone signal, compresses the signal, and arranges the compressed signal into a series of data packets. An Internet address is added to each packet and the packets are transmitted over the Internet 32 to a receiving telephony Internet server 34, that is coupled to the receiving PBX 26. At the receiving telephony Internet server, the packets are decompressed, combined back into a serial data stream, and supplied to the PBX 26."

5. Here is the list of ten limitations of the wherein clause of claim 59 one more time, with comments as to what Shaffer actually is and does, and the applicant's belief and argument as to whether Shaffer anticipates the limitations:

(a) the bridge unit, receiving a call from a caller on the COST network, accesses a look-up table in the data repository...

The relied-upon portion of Shaffer does not teach a data repository associated with the bridge unit, nor (therefore) a look-up table in a data repository, and therefore cannot read on the limitation. The reference in the portion relied upon teaches: The applicant takes notice that the examiner considers the TIS of Shaffer as applicant's bridge unit. Shaffer's TIS, receiving a COST call, prepares data packets and addresses the packets to an

already-known IP address of a second TIS and transmits the packetized data to the second TIS. See Shaffer Fig. 1, TIS 30 and TIS 34. Shaffer receives a COST call, sends packetized data for the call to the second TIS, which converts the packets back to COST to a PBX to complete the call on the COST network. TO be equivalent to applicant's bridge unit ONE of the TIS units of Shaffer must perform all of the limitations recited for applicant's bridge unit.

(b) the look-up table relates COST telephone numbers to data network addresses...
Since Shaffer has no data repository and no look-up table the relationship between telephone numbers and IP addresses is moot in Shaffer. Applicant takes notice that Shaffer has no need to have such a relationship, because the second TIS does not have a telephone number, regardless of the direction considered.

(c) the bridge unit retrieves from the lookup table a data network address associated with the COST telephone number...
No look-up table in Shaffer for the IP address associated with any telephone number.

(d) the bridge unit places a data network call on the DNT network to a destination using the data network address retrieved from the lookup table...
Shaffer in the portion relied upon, and as taught as well in the rest of Shaffer, teaches compressing data, forming packets, and transmitting the packetized data to a second TIS. This cannot be considered placing a call on the Internet. The second TIS is decidedly not an end point for placing a call, it is a next bridge unit which then converts back to COST.

(e) the bridge unit connects the incoming COST and outgoing DNT calls...
The Shaffer system transmits telephony data over the Internet between two TIS units, (see Shaffer Fig. 1) which the examiner has indicated he considers each to be a bridge unit, as in applicant's claimed bridge. A fair analysis and reading of Shaffer indicates that COST calls are bridged over the Internet between two known TIS units, to save the cost

of using dedicated lines for a portion of the call. But to conclude that either one of the TIS units places a call is in error. Each of the Shaffer TIS units receives data from the Internet, and hands that data off to a PBX. If the PBX places a call, the TIS certainly does not.

(f) the bridge unit translates protocol in both directions between the COST and the DNT networks while the calls are connected...

The Shaffer system may do a form of translation, that is, COST telephone data is converted to data packets which are transmitted over the Internet, bot there are no two calls that are connected (an act of connecting) by the TIS. The TIS is clearly always connected over the Internet to the other TIS. There is no call placed over the Internet. In addition to this argument, the Shaffer reliance quoted above speaks specifically and consistently of *transmitting* the call. There is one call in Shaffer. It starts and ends as a COST call. There is never a second call of another sort placed and then joined.

(g) in the event of receiving a call on the data network, the bridge unit accesses information in the received call indicating a COST telephone number...

In the referenced portion of Shaffer relied upon, a COST call is received by one of the TIS units, the data is converted to packets, which are addressed to a known second TIS, where the Internet data is handed off to a PBX which completes that call as a COST call to an end point indicated in the original call. There is never a call received on the data network.

(h) the bridge unit places a call on the COST network to the COST number accessed from the received DNT call...

There is no indication in the relied-upon portion of Shafer of any COST call ever being placed by the TIS that the examiner considers to be the claimed bridge unit. The TIS is connected to a PBX, and any telephone calling or routing functions may be handled by

the PBXs, but the applicant claims these functions for the claimed bridge unit. Shaffer is clearly insufficient.

(i) the bridge unit connects the incoming DNT and outgoing COST calls…
Shaffer does not connect two calls. There are no two calls in Shaffer. There is one call, turned into Internet data at an intermediate point.

(j) the bridge unit translates protocol in both directions between the DNT and the COST networks while the calls are connected.
In the claimed invention there is one bridge unit, with a DNT call connected between the bridge unit and an end-point in the Internet (a DNT call), and a COST call, on the other side of the bridge unit to an end point in a PSTN (a COST call). The bridge unit is in the middle of two calls, which are connected by the bridge. In Shaffer there is one COST call bridged through the Internet between two TIS units. No DNT call is ever placed, therefore ever connected to a COST call.

6. Claim 59 has been shown to be patentable over the art of record, therefore claims 60 and 61 are patentable at least as depended from a patentable claim.

7. Claim 62 is a method claim drawn to be equivalent in the limitations to the system claim 59 shown to be patentable above, and recites essentially the same limitations, therefore claim 62 is patentable by the same arguments and demonstrations of fact made above on behalf of claim 59. Claim 62 is therefore patentable for the same reasons. Claim 63 and 64 are then patentable at least as depended from a patentable claim.

Summary

The applicant has, in abundant detail, addressed ten specific limitations drawn from applicant's wherein clause in claim 59, none of the ten of which is fairly taught in the reference. Shaffer is a system that bridges a portion of a PSTN (COST) call through

the Internet, between two Telephone Internet Servers (TIS), to avoid the cost of dedicated lines for a portion of the call. There never is any teaching in Shaffer that there is an Internet telephone call made or involved in his process.

All of the claims standing for examination have been shown to be patentable as amended and argued above over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this response, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
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